

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CAROLYN HEATH, a single woman,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,

Defendant.

NO.

COMPLAINT

I. PARTIES

1.1 Plaintiff, Carolyn Heath, at all times relevant was a resident of Pierce County, State of Washington.

1.2 The United States of America created the United States Postal Service ("USPS") as an independent establishment of the executive branch. The USPS was created and is governed by the Postal Reorganization Act ("PRA"), 39 U.S.C. §§ 101 – 5605. Under the Federal Tort Claims Act (28 U.S.C. §§ 2679(a) & 1346(b)), the United States is the proper party defendant in any suit brought pursuant to the Federal Tort Claims Act.

II. JURISDICTION AND VENUE

2.1 Plaintiff brings this action against the United States in accordance with federal law. Plaintiff has served a tort claim form in accordance with 28 C.F.R. § 14.1 *et seq.* Plaintiff files this action within six months of the date the final denial of claims was mailed by the USPS

COMPLAINT

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1 Tort Claims Examiner.

2 2.2 This Court has jurisdiction over this matter under 28 U.S.C. § 1346(b). This
3 Court has original jurisdiction over claims against the United States.

4 2.3 The events giving rise to this lawsuit occurred in Pierce County, Washington.
5 Venue is proper in this district under 28 U.S.C. § 1391(e) and/or § 1391(b)(2).

6 **III. FACTS**

7 3.1 On or about May 2, 2018, near the intersection of 144th Street Northwest and 32nd
8 Avenue Northwest, Gig Harbor, Pierce County, Washington, there was a motor vehicle collision
9 involving Plaintiff Heath and Benjamin Brueckner. Mr. Brueckner negligently made a turn in
10 front of Ms. Heath's path of travel, and failed to yield the right of way to Ms. Heath.

11 3.2 At the time of the collision, Mr. Brueckner was a USPS employee, and he was
12 driving a USPS postal vehicle. At all times relevant, Mr. Brueckner was acting in the course and
13 scope of his employment with the USPS.

14 **IV. CLAIMS FOR RELIEF**

15 **A. Negligent Hiring, Training, or Supervision**

16 4.1 Defendant has a duty to exercise reasonable care in hiring, training, and
17 supervising its agents and employees. This duty also includes a responsibility to properly
18 monitor, observe, and report employee conduct which is either dangerous to the community or
19 unlawful.

20 4.2 Defendant breached these duties in a negligent manner.

21 4.3 Defendant's negligence proximately caused Plaintiff to suffer damages.

22 **B. Negligent Operation of a Vehicle**

23 4.4 The subject motor vehicle collision was caused by the careless, negligent, and

1 unlawful driving of Mr. Brueckner. More particularly, Mr. Brueckner failed to yield the right of
2 way to Plaintiff Heath.

3 4.5 Defendant is vicariously liable for the actions of its employees when done within
4 the scope of their employment.

5 4.6 Defendant's USPS employee had a duty to exercise reasonable care in operating
6 the USPS vehicle, including but not limited to, yielding the right-of-way to Ms. Heath.

7 4.7 The USPS employee breached this duty in a negligent manner in failing to exercise
8 reasonable care for the safety of others.

9 4.8 The USPS employee's negligence was the proximate cause of the collision with
10 Ms. Heath.

11 **V. DAMAGES**

12 5.1. As a direct and proximal result of Mr. Brueckner's negligence in operating the
13 USPS vehicle, Plaintiff Heath suffered injury to her body and property damage to her vehicle.
14 Plaintiff Heath has incurred bills and other expenses for medical care. Plaintiff Heath suffered and
15 continues to suffer pain, discomfort and limitations.

16 **VI. RELIEF REQUESTED**

17 WHEREFORE, Plaintiff requests judgment against Defendant as follows:

18 1. For economic damages, including medical bills, property damage, and other expenses,
19 and general damages for Plaintiff, including past and future pain, suffering, emotional duress and
20 permanent bodily injuries in an amount to be determined at the trial of this matter;

21 2. For costs incurred by Plaintiff;

22 3. For lost income incurred by Plaintiff;


23 4. For other such relief as the Court may deem just and proper.

VII. RESERVATION OF RIGHTS

7.1 Plaintiff reserves the right to assert additional claims as may be appropriate following further investigation and discovery.

Dated this 23rd day of April, 2021.

Wattel & York, LLC

By: 
Zach J. Hansen, WSBA # 41827
Attorneys for the Plaintiff